

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

WILTON AUGUSTINE ET AL.

CIVIL NO. 08-CV-01102

VS.

JUDGE TRIMBLE

**EMPLOYERS MUTUAL CASUALTY
INSURANCE CO ET AL.**

MAGISTRATE JUDGE KAY

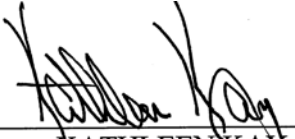
REPORT AND RECOMMENDATION

On November 30, 2010, this court issued a Memorandum Ruling [Doc. 47] denying plaintiffs' Motion to Remand [Doc. 10]. In that order we determined in section II(D)(1)(b), pages 16 through 28, that the plaintiffs have not established a cause of action against US Solid Wall, LLC, Don Simon, d/b/a Simon Construction, Simons Building, and Newtech Building, Inc. (the "Simons defendants"). In light of that conclusion and for reasons stated in the Memorandum Opinion, it is recommended that the Simons Defendants be **DISMISSED**.

Under the provisions of 28 U.S.C. Section 636(b)(1)(C) and Rule 72(b), parties aggrieved by this recommendation have fourteen (14) business days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with a copy of any objections or response to the District judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by

Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. *See, Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996). Thus done and signed in chambers in Lake Charles, Louisiana on this 17th day of December, 2010.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE